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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,697	10/20/2005	Sebastian Kraufvelin	P3586US00	2122
36671 7590 05/27/2010 DITTHAVONG MORI & STEINER, P.C. 918 Prince Street Alexandria, VA 22314				
EXAMINER TORRES, MARCOS L				
ART UNIT 2617		PAPER NUMBER		
NOTIFICATION DATE 05/27/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

Office Action Summary

Application No.

10/529,697

Applicant(s)

KRAUFVELIN ET AL.

Examiner

MARCOS L. TORRES

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2-11-2010 have been fully considered but they are not persuasive.
2. Applicant's representative [hereinafter applicant] arguments that "Cedervall et al., in response to a request for location-based services, the location-based service, itself, not "information regarding services," as claimed, is provided"; first, it is noted that the claim does limit the term "information regarding services", which may include any information concerned, related to the service including the service itself [even providing the information to the user may be equated to a service], and second, Cedervall does disclose providing information about other services (see par. 0069-0070). Therefore, a prima facie case of obviousness has been established.
3. Applicant also asserts that Murray does not describe either "area event notification" or receiving an area notification request from a client"; according to the claim the area event notification have two requirements an identity and a geographical area or location, and Murray discloses both [see col. 7, lines 53-65; col. 10, lines 19-24]. Therefore, a prima facie case of obviousness has been established.
4. As to applicant arguments that there is no reason to modify Murray by including activation of a monitoring function at the mobile station since this would render Murray unsuitable for its intended purpose of using an application server for processing the event data and current location of a mobile device; controlling the activation of the

monitoring from the mobile station in no way would render Murray unsuitable for its intended purpose, it would work exactly the same way with the mobile station indicating the status to the application server as taught by Wilson in col. 19, lines 16-26.

5. Regarding applicant argument that there is no reason to place to control the activation of the monitoring at the mobile device, is clearly obvious from the motivation given that by the user turning on the system can receive the location based services such as locating friends and coordinating meeting and turning it off to have privacy, even Wilson disclose this in col. 19, lines 16-26.

6. Applicant asserts "Wilson et al. does not disclose "wherein the monitoring is activated at the mobile station," as it is alleged to disclose", in step 102 of Wilson the monitoring is activated, also Wilson in col. 19, lines 16-26 discloses turning off/on the monitoring from the user GUI perspective.

7. As to applicant arguments directed that there is no incentive to the skilled artisan to modify the Murray/Cedervall with Havinis, all there mentioned references are analogous directed to the same field of endeavor of providing location based services, thereby being properly combinable. Also, applicant asserts that there is no disclose or suggestion in Havinis of basing the monitoring on the identity of at least on cell; Havinis clearly discloses monitoring of the mobile devices per cell id (Column 5, Lines 46- 50 and Column 2, Lines 42-46).

8. Applicant asserts " While the Examiner asserted that col. 3, lines 42-60, of Miriyala et al. discloses this feature, there is nothing therein relative to defining an area

of interest "by means of a shape of the area,"; Miraya does disclose in the cited section defining an area of interest by means of a shape of the area as seen in fig. 1.

9. Applicant asserts that Nakagawa does discuss a "location confirming system," but there is nothing therein relative to "confirming the location of the mobile station responsive to the signaling location, to ensure the location corresponds to the area of interest," as claimed; as mentioned by applicant Nakagawa does discuss a location confirming system and the limitation of "to ensure the location corresponds to the area of interest" is the outcome of using the location confirming system, therefore if a location confirming system is being used is to confirm that the location is in a specific area [note: a previous value/location/area is needed in order to confirm]. Applicant comments "The Examiner's rationale for combining Nakagawa with Murray and Cedervall et al., explained at page 8 of the Office Action, is "to minimize errors." This general rationale is so thin as to constitute no rationale at all, and clearly does not rise to the standard of "articulated reasoning with some rational underpinnings" required in KSR", the teaching of confirming data is so basic to one of the ordinary skills in the art would immediately understand it, the definition of "confirm" according the Princeton dictionary is "additional proof that something that was believed (some fact or hypothesis or theory) is correct; as shown by the dictionary, one of the ordinary skills in the art that knows the definition of confirmation would immediately understand that adding this teaching is to make sure that the data is correct, because wants to avoid or minimize errors with incorrect data.

10. The rest of arguments they fall for the same reasons as shown above. The rejection of record stands.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 1, 4-6, 9-14, 16 and 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray 6484033 in view of Cedervall 20040203900.

As to claim 1, Murray discloses a method comprising: receiving an area event notification request from a client [32] at a location service entity provided in association with the communication system [see col. 10, lines 19-30], the area event notification request containing information associated with the identity of a mobile station and a geographical area of interest [see col. 7, lines 53-65; col. 10, lines 19-24]; activating monitoring for an event indicative of a change in the presence status of the mobile station relative to said geographical area of interest; and signaling a notification to the client in response to detection of such event [see col. 10, lines 24-47; 59-65]. Murray does not specifically disclose providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest. In an analogous art, Cedervall discloses providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest (see par. 0022, 0024, 0051, 0069). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention was made to offer services based on location as suggested in par. 15, thereby increasing user satisfaction and increasing profits.

As to claims 4-6, Murray discloses a method wherein the monitoring is based on at least one location/routing/service area determined based on said information of the area of interest [see col. 11, lines 1-43; col. 12, line 56 - col. 13, line 35].

As to claims 9-10, Murray discloses method comprising cancelling the request for area event notifications, after the signaling notification step [col. 2, lines 1-17].

As to claims 11, Murray discloses a method wherein said signaling notification is responsive to detection of said event over a predetermined time period [col. 4, lines 45-59].

As to claims 12, Murray discloses a method wherein successive signaling within a predetermined time period is limited [col. 4, lines 45-59].

As to claims 13, Murray discloses a method according wherein an LCS client defines the predetermined time period such that successive signaling is limited [col. 4, lines 45-59].

As to claims 14, Murray discloses a method wherein a network operator defines the predetermined time period such that successive signaling is limited [col. 4, lines 45-59].

As to claims 16, Murray discloses a method wherein the step of receiving an area event notification request is responsive to a location update [see col. 4, lines 60 – col. 5, line 43].

As to claim 18, Murray discloses an apparatus, comprising: a location service entity [76] configured to receive an area event notification request from a client [32] containing information associated with the identity of a target mobile station and a geographical area of interest [see col. 7, lines 53-65]; col. 10, lines 19-24]; a monitoring configured to monitor, in response to receiving said request, for an event indicative of a change in the presence status of the target mobile station relative to said geographical

area of interest and for signal a notification to the client in response to detection of such event [see col. 10, lines 24-47; 59-65]. Murray does not specifically disclose providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest. In an analogous art, Cedervall discloses providing information regarding services to the mobile station in response to a notification that the mobile station is present in the geographical area of interest (see par. 0022, 0024, 0051). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention was made to offer services based on location as suggested in par. 15, thereby increasing user satisfaction and increasing profits.

As to claim 19, Murray discloses an apparatus wherein the monitoring entity provided in association with the target mobile station [see col. 4, lines 34-45].

15. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Wilson 7203502.

As to claim 2, Murray discloses everything as explained above except for a method wherein the monitoring is activated at the mobile station. In an analogous art, Wilson discloses a method wherein the monitoring is activated at the mobile station [see fig. 1b, first step, with item 102]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to provide location based services to the phone such as locating individuals and coordinating meetings.

16. Claims 3, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Havinis 6169899.

As to claims 3, 15 and 20, Murray discloses everything as explained above except for method wherein the monitoring is based on the identity of at least one cell of the communication system selected based on said information of the area of interest. Havinis et al further teaches wherein the monitoring is based on the identity of at least one cell of the communication system selected based on said information of the area of interest and area of interest is taken into consideration in cell selection. (Column 5, Lines 46- 50 and Column 2, Lines 42-46). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to provide location based services to the phone such as locating individuals in a desired area.

17. Claims 7-8 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view Miriyala 7024195.

As to claim 8, Murray discloses everything as explained above except for a method wherein the request contains further information regarding the event to reported, the further information defining whether entering or leaving of the area of interest shall be reported. In an analogous art, Miriyala discloses a method wherein the request contains further information regarding the event to reported, the further information defining whether entering the area of interest shall be reported [see col. 3, lines 42-60]. Therefore, it would have been obvious to one of the ordinary skills in the

art at the time of the invention to combine these teachings to send advertisement when entering in certain area.

As to claims 7 and 21, Murray discloses everything as explained above except for, wherein the area of interest is defined by means of the shape thereof. In an analogous art, Miriyala discloses wherein the area of interest is defined by means of the shape [size] [see col. 3, lines 42-60]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to send advertisement when entering in certain area.

18. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Cedervall and further in view of Nakagawa 5621414.

As to claim 17, Murray discloses everything as explained above except for a method according further comprising confirming the location of the mobile station responsive to the signaling location, to ensure the location corresponds to the area of interest. In an analogous art, Nakagawa discloses confirming the location of the mobile station responsive to the signaling location, to ensure the location corresponds to the area of interest [see col. 1, lines 7-18]. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to combine these teachings to minimize errors.

Conclusion

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCOS L. TORRES whose telephone number is (571)272-7926. The examiner can normally be reached on 9:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-252-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Marcos L Torres/
Examiner, Art Unit 2617